

III. REMARKS

Claims 1-4, 6-14, 16-19 and 21-22 are rejected under 35 USC 102(e) as being anticipated by Frid.

The present invention relates to wireless communication devices, particularly to GPRS terminals of class B, which can simultaneously observe signals of the control channel of the GPRS network and the GSM network, but they can only use either GPRS packet data services or GSM circuit-switched services at any one time. Such a terminal can use the packet data connection as a bearer service, when connecting to an application server, like an email server, with a data connection according to an appropriate data transmission protocol. If a circuit-switched voice call, for example, is to be established between the terminal and the GSM network, the GPRS packet data connection has to be cut off, and thus also the data connection between the terminal and the application server will be timed out, at least eventually, if not immediately. When the circuit-switched voice call is finished, the data connection between the terminal and the application server must be established again from the very beginning.

This drawback is avoided by the present invention, wherein a message is created in the terminal for maintaining the data connection between the terminal and the application server before or at the latest in connection with establishing the circuit-switched connection. Accordingly, both the terminal and the application server know that the GPRS packet data connection used as a bearer will be temporarily cut off, but they will nevertheless not time out the data connection run above the GPRS connection. When

the circuit-switched voice call is finished, the data connection between the terminal and the application server can be immediately established with the former connection settings.

Frid discloses how a packet-switched data connection can be quickly re-established after interruption. In Frid, the packet-switched data connection is first established between a DTE/MS (data terminal equipment/mobile station) and a PMSC (Packet Mobile Services Switching Center) in the network. A computer connection (like a PPP connection) is established over the packet-switched data connection. Once the packet-switched data connection is interrupted, the parameters of the computer connection are saved in either the DTE/MS or the PMSC or in both of them (col. 7, lines 36-41). When the packet-switched data connection is established anew, the stored parameters of the computer connection can be used to re-establish the computer connection.

Frid merely discusses a computer connection between the DTE/MS and a network termination point (i.e. the PMSC). Accordingly, Frid does not disclose a data transmission connection between a terminal and an application server, nor setting up a message for maintaining the data transmission connection between said terminal and said application server in connection with establishing the circuit-switched telecommunications connection, nor starting the setting up of the message maintaining the data transmission connection in the terminal.

Accordingly, Frid does not teach to indicate to an application server that a bearer connection will be

interrupted, and the data connection should be maintained as recited in all of the independent claims 9, 11, 18 and 24. Packet connection based applications are typically timed out on the server, if no indication of continuing operation is received, as is disclosed in the background of the present application (p. 3, lines 10 - 32). Also Frid addresses the problem (col. 8, line 39), but at the same time it is admitted that the Frid's solution does not work, if the connection has been timed out (on the server side).

Thus, the solution disclosed in Frid does not solve the problems underlying the present application. A skilled man would not receive any hints for solving said problems from Frid, since Frid is silent about indicating to an application server that the computer connection should be maintained.

For all of the above reasons the rejection of claims 1-4, 6-14, 16-19 and 21-22 under 35 USC 102 on Frid should be withdrawn.

Also, as explained above, Frid does not suggest the above limitations since it does solve the same problems as the present invention. Thus these claim are not obvious over Frid. For the same reason claim 23 is unobvious over Frid.

Claims 5, 15, and 20 are rejected under 35 USC 103(a) as being unpatentable over Frid in view of Chen.

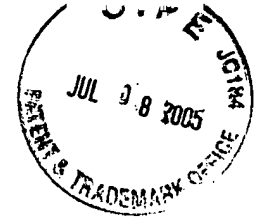
Chen discusses only circuit switched call signalling. In the first place, there is a two-party telephone call, whereby Chen provides a solution as to how to add a third party to an existing two party telephone conversation

(col.6, lines 15-63). Even then, all the terminals in Chen have only one active connection instead of two connections. Chen does not even mention a data connection. Thus, a skilled man has no motivation combine Chen with Frid, but even if nevertheless combined, such a combination would not give a skilled man any hints for indicating to an application server that a bearer connection will be interrupted, and the data connection should be maintained.

Thus the rejection of claims 5, 15 and 20 should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$200.00 is enclosed for additional claim fees. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.



Respectfully submitted,

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July 6, 2005
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